

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1486 - HB 1438

March 29, 2021

SUMMARY OF BILL: Requires a court to issue an order of expunction, at no cost, after a person completes the sentence imposed for any misdemeanor or Class C, D, or E felony that was nonviolent and was not a sexual offense.

ESTIMATED FISCAL IMPACT:

Decrease Local Revenue - \$6,400,000/FY21-22 and Subsequent Years

Other Fiscal Impact – The draft legislation could jeopardize federal funding from the Federal Highway Trust Fund if it is determined that the state is noncompliant with federal law.

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-32-101(g)(2)(B), a person who commits certain crimes is authorized to petition the court for expunction after at least five years have elapsed since the completion of the sentence imposed for the offense.
- The proposed legislation could violate the minimum penalty requirements outlined in 23 United States Code § 164 for repeat offenders of DUI offenses and lead to the withholding of up to three percent of the Federal Highway Trust Fund.
- Public Chapter 200 (2019) removed application fees for applying for expunction; therefore, any increase in petitions for expunctions will not result in a significant fiscal impact to state revenue.
- There is an average of at least 64,000 expunctions processed each year.
- Per this legislation, a person who was convicted of a misdemeanor or Class C, D, or E felony that meets certain requirements shall have the conviction automatically expunged without cost.
- Pursuant to Tenn. Code Ann. § 40-32-101, a person applying for expunction of records shall be charged the appropriate court clerk's fee of \$100, unless the person is entitled to have such records removed and destroyed without cost to the person.
- This legislation will result in a decrease in local revenue to estimated to exceed \$6,400,000 (64,000 x \$100) in FY21-22 and subsequent years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

/jg